

Olympic Coast National Marine Sanctuary Spills Working Group
Prevention, Preparedness, Response, and Restoration
Goal, Objective, Guidance, and Input

Guidance from the Advisory Committee

Priority Issue E. Conserve Natural Resources In The Sanctuary (From SAC Priority Issues Work Plan - 07/29/09)

OCNMS's primary mandate is to conserve and protect resources in the sanctuary. To address this topic, two working groups will be formed: one to address living resource conservation and one to address spill prevention, preparedness, response and restoration.

Establish an AC Working Group - Spill Prevention, Preparedness, Response and Restoration (From SAC Priority Issues Work Plan - 07/29/09)

Scoping Summary Topics to Address: Oil Spill Planning, Prevention and Response, Maritime and Environmental Safety – Vessel Management

Next Steps

Over the next six months (July to December 2009), the AC and OCNMS leads will organize and convene the working groups and workshops described above. As part of their deliberations, these groups will assess ongoing OCNMS management efforts and identify new strategies to respond to priority issues. OCNMS staff will use advice and recommendations from these groups to draft a series of action plans that will form the major elements of the draft management plan, which we anticipate publishing in late 2010.

- ONMS staff will consult with IPC to determine their preferred methods for involvement. Status: Complete.
- The working group chairperson and staff lead will develop directions to the working group, assemble background materials, identify membership, and schedule meetings. Status: Ongoing

Working Group

Co-Chairs: Bob Bohlman and Chip Boothe
Staff Leads: Robert Pavia and Liam Antrim

Management Plan Goals and Objective (July 24, 2009)

Goal E. Maintain the Sanctuary's natural biological diversity and protect, and where appropriate, restore and enhance Sanctuary ecosystems.

Objective 1: Work collaboratively with strategic partners to conserve natural habitat, populations, and ecological processes by preventing, minimizing and/or mitigating stressors on resources in the Sanctuary.

Objective 2: Actively participate in regional spill prevention, contingency planning, emergency response, damage assessment, and restoration activities.

Objective 3: Develop and maintain permitting and enforcement programs and partnerships to maximize protection of resources in the Sanctuary.

Objective 4: Promote marine debris removal in coordination with federal, state, local, and tribal authorities and volunteer organizations.

OCNMS 2009 Annual Operating Plan

AOP 19.1 Emergency Response and Contingency Planning

Activity Description

Participate in regional oil spill planning activities and continue efforts to involve the coastal trustees in planning and response activities. Cooperate with coastal tribes (indigenous cultures) in oil spill initiatives. Participate on the West Coast Regional Response Team (spill preparedness planning). Principle costs include federal labor.

Activity supports performance measures 1, 3 and 18.

Output Titles/Descriptions

Coastal trustee work group coordination - Continue notification and involvement of coastal trustee group (Olympic National Park, Makah, Quileute, Hoh tribes and Quinault Nation, USFWS) in training opportunities, meetings, plan development, development of GIS database for natural resources, and workshops on oil spill issues.

State and regional oil spill forums - Attend meetings as appropriate of the Oil Spill Advisory Council and other regional planning groups; review and comment on draft documents and revisions to existing plans and guidelines. Participate in West Coast Regional Response Team coordination meetings. Support NOAA representative on the Pacific States/British Columbia Transboundary Oil Spill Work Group.

Improve sanctuary participation in Incident Command - Update sanctuary's contingency plan and SHIELDS; maintain inventory of response assets, and information assets for mobile response for participation in Incident Command in the event of oil spills.

AOP 20.1 Resource Protection Programs

Activity Description

Combines several important OCNMS programs targeted at reducing threats from human activities, based on site priorities and the OCNMS management plan. Programs focus on marine safety (Area to Be Avoided Education and Monitoring Program), marine debris, and marine mammal strandings. Marine Mammal Stranding Network Participation: OCNMS participation in the NOAA Fisheries (cetaceans and pinnipeds) and USFWS (sea otters and sea turtles) program provides the sanctuary with information that contributes to species distribution and abundance, human impacts, water quality, and habitat protection. OCNMS works with volunteers, indigenous cultures and other agencies on this effort, including identification and response procedures. Area to Be Avoided (ATBA) monitoring: OCNMS, with the cooperation of the US and Canadian Coast Guards, monitors vessel traffic compliance with a voluntary Area to Be Avoided zone established through the International Marine Organization. The program reduces the potential for oil or hazardous material spills. Principles costs include federal and contract

labor.

Output Titles/Descriptions

ATBA (Area to Be Avoided) Education and Monitoring Program - Process vessel traffic point data based on Canadian Coast Guard radar data, send out ATBA violation letters, and track compliance rates in cooperation with the maritime industry. Output targets expressed as monthly compliance packages sent to USCG.

Annual Area To Be Avoided (ATBA) Report-2008 - Review ATBA performance measures for 2008 and publish results as part of the Washington Department of Ecology's annual "Vessel Entry and Transits for Washington State" report, post ATBA monitoring program results on the OCNMS web site.

Historical Background Material

1994 Management Plan

Section I - Introduction

(3) Coordinate with the U.S. Coast Guard to conduct emergency response drill to assess the state of preparedness to respond to an emergency within, or in close proximity to the sanctuary, and generate a plan to address inadequacies.

Section II- Resource Protection

D – Contingency Plans

2. Sanctuary Action

One of the first management actions of the Sanctuary will be to conduct an emergency response exercise for an oil spill in the Sanctuary boundary. The intent of this exercise will be not only to test the adequacy of existing plans and the availability and effectiveness of the equipment allocated but also to provide an opportunity for existing emergency response agencies and personnel to work with the Sanctuary and to define roles and responsibilities.

The Sanctuary program is preparing a National Plan with additional site specific plans, such as for the Olympic Coast, that will address needs for Sanctuary staff training, appropriate equipment necessary to respond to a large-scale emergency requiring long-term response and clean-up capabilities, and NOAA policies regarding use of dispersants.

To provide further protection to the Sanctuary resources and qualities, the Sanctuary staff will assess the state of preparedness of the relevant parts of the contingency plans as they relate to the Sanctuary. This action will entail exchanging information with government and industry response teams and seeking their support in assessing detection and clean-up capabilities that can be used to protect Sanctuary resources. In addition, and consistent with the National Marine Sanctuary Program Regulations (15 CFR Part 22), NOAA will provide the necessary resources and impetus to develop and implement a site- specific contingency and emergency-response plan designed to protect the Olympic Peninsula's offshore resources. The plan shall contain alert

procedures and actions to be taken in the event of an emergency such as a shipwreck or an oil spill. The plan will specify the role of the Sanctuary and the action items with which the Sanctuary has lead responsibility versus providing assistance when requested by another lead agency.

An SRD-level contingency and emergency-response plan has been prepared for the Channel Islands and Key Largo National Marine Sanctuaries. A similar plan for the proposed Olympic Coast National Marine Sanctuary will be created that will: Describe emergency-response procedures and coordination requirements for SRD and Sanctuary staff;

- Define SRD policy regarding use of dispersants; Provide a geographic information system depicting resources at risk which will build upon the GIS developed by the State Department of Natural Resources;
- Outline procedures for emergency research; and
- Provide damage assessment guidelines. In conjunction with this plan, agreements may be formulated to improve spill detection programs and augment containment capabilities (i.e., with additional equipment, staff, and deployment plans).

Excerpts from the Comments and Responses in Sanctuary Designation Document (1993)

Application of Discharge Regulations to Vessel Traffic Comments

Comment: The application of this regulation should prohibit organic and inorganic discharges from fishing vessels and submarines (including bilge), aircraft. The prohibition should apply to all naval operations.

Response: The Sanctuary regulations specify the fishing and vessel related activities exempted from the discharge prohibition (Sec. 925.5(a)(2)(i)-(iv)). Discharges and deposits from vessels are prohibited except for specific discharges intended to provide for traditional fishing activities, such as fish wastes resulting from traditional fishing operations in the Sanctuary, and for allowed vessel operations in the Sanctuary, namely biodegradable effluent incidental to vessel use and generated by approved marine sanitation devices, water generated by routine vessel operations, and engine exhaust. Such discharges are determined to be of minimal threat to the Sanctuary and are important for the safe and effective functioning of fishing and other vessels. Other discharges from vessel operations are prohibited. If in the future NOAA determines that increased protection for Sanctuary resources and qualities from these exempted activities is warranted, the Sanctuary regulations could be revised.

Contingency Plan Comments

Comment: The Sanctuary should establish a contingency plan in coordination with existing state and Federal contingency plans. Efforts should be made to coordinate with the State of Washington Departments of Wildlife, Fisheries, Ecology, and Natural Resources and pursue data sharing opportunities.

Response: The FEIS/MP identifies existing oil spill contingency plans and efforts in the State of Washington to cover the Strait of Juan de Fuca and Outer Coast. NOAA

will coordinate closely with the existing agencies involved in contingency and emergency response planning, particularly the U.S. and Canadian Coast Guard and the State of Washington Office of Marine Safety (OMS). However, NOAA agrees that the Sanctuary requires its own contingency plan to ensure that resources are protected during events that threaten the environment. A prototype Sanctuary Contingency Plan is being tested at the Channel Islands National Marine Sanctuary. Once implementation experience has been gained, the plan will be adapted to other sites, including the Olympic Coast National Marine Sanctuary. To implement successfully an organized emergency response, NOAA will incorporate state and Federal legislation as well as local efforts into the Sanctuary Contingency Plan.

Comment: NOAA needs to provide for better oil spill response planning.

Response: NOAA is coordinating with the regional response committees of the OMS to ensure that the equipment is available to address an emergency that would threaten Sanctuary resources.

Comment: An Oil Spill Response Center should be sited in close proximity to the Sanctuary to address small spills north of Grays Harbor where there is currently a lack of oil spill response capability.

Response: NOAA is promoting this idea in its participation on the regional response subcommittee whose jurisdiction is the Strait of Juan de Fuca and the Outer Coast. However, priority will be placed on the stationing of tugs and barges dedicated to emergency response.

Comment: The tribes should be properly funded to handle resource damage assessment as well as other activities where an oil spill could impact their subsistence and ceremonial harvest and cultural values.

Response: The reservations are not within the Sanctuary boundary. Therefore, the Sanctuary cannot dedicate funds to the Tribes for the purpose of damage assessment pursuant to a spill of hazardous materials.

Comment: NOAA should request that the oil industry's Marine Spill Response Corporation station a tractor/tug response vessel at Neah Bay.

Response: NOAA has made the recommendation to the subcommittee on emergency response for the Strait of Juan de Fuca and the Outer Coast. NOAA is actively participating in formulating the recommendation to the State, and will coordinate with the Makah Tribe in their planning initiative to expand their marina to plan to accommodate a tug or emergency response vessel that is of appropriate size to service the Outer Coast and the Strait of Juan de Fuca.

Excerpts from Comments and Responses

Comment: NOAA should ensure that drills are conducted for the Clean Sound Cooperative with outside evaluation.

Response: NOAA intends to hire an operations manager immediately after designation to address issues related to vessel traffic and contingency planning. One of the priorities of this position will be to encourage the Coast Guard to focus on the Sanctuary during its emergency response drills.

Comment: NOAA should propose the examination of extending unlimited liability for spills to the shipping companies and the original firms providing the original source materials involved in the polluting activities.

Response: The NMSA only provides NOAA with the authority to collect \$100,000 per day for each violation pursuant to 16 U.S.C. 1437(c)(1), and damages to Sanctuary natural resources pursuant to 16 U.S.C. 1443.

Vessel Traffic Comments

Comment: Route tankers and barges as far away from near-shore reefs and islands as possible. Clarify what types of vessels can transit close to shore.

Response: There exists a Cooperative Vessel Traffic Management System (CVTMS) established and jointly managed by the United States and Canada. The CVTMS is a mandatory regime and consists of all navigable waters of the Strait of Juan de Fuca and its offshore approaches, southern Georgia Strait, the Gulf and San Juan Archipelagos, Rosario Strait, Boundary Pass, Haro Strait, and Puget Sound, bounded on the west by longitude 147 deg.W. latitude 48 deg.N., and on the northeast by a line along 49 deg.N. from Vancouver Island to Semiamoo Bay. The rules of the CVTMS are intended to enhance safe and expeditious vessel traffic movement, to prevent groundings and collisions, and to minimize the risk of property damage and pollution to the marine environment. The rules apply to: a) Each vessel of 30 meters or more in length; and b) Each vessel that is engaged in towing alongside or astern, or in pushing ahead, one or more objects, other than fishing gear, where: 1) The combined length of the vessel towing, the towing apparatus, and the vessel or object towed is 45 meters or more; or 2) The vessel or object towed is 20 meters or more in overall length. Both the Canadian and the United States Coast Guards are studying methods to improve the CVTMS in the area. Items being studied include replacement of outdated equipment, elimination of gaps in coverage, and increasing operator training and assignment length. The Oil Pollution Act of 1990 (OPA 90) requires the U.S. Coast Guard to conduct a national Tanker Free Zone Study. This study is nearing completion and will recommend regulations requiring tank vessels to remain offshore during coastal transits. Further, NOAA has recommended to the U.S. Coast Guard that an International Maritime Organization (IMO) approved ATBA be established within the proposed Sanctuary boundary. This would request that vessels transporting hazardous materials remain at least 25 nautical miles offshore while in the vicinity of Sanctuary waters or until making their approach to the Strait of Juan de Fuca using the established CVTMS traffic separation scheme. Although ATBA's are not compulsory for foreign flag vessels, a maritime state may make such an area compulsory for domestic vessels transiting the waters under its jurisdiction.

Comment: NOAA should put forth a vessel traffic management plan, spearheaded by the U.S. Coast Guard that addresses research needs, vessel traffic monitoring and communication systems, and future regulatory alternatives. The management plan should be proactive, and establish a timetable for considering new vessel traffic regulations in the future.

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Comment: NOAA should put forth a vessel traffic management plan, spearheaded by the U.S. Coast Guard that addresses research needs, vessel traffic monitoring and communication systems, and future regulatory alternatives. The management plan should be proactive, and establish a timetable for considering new vessel traffic regulations in the future.

Response: NOAA is working with the U.S. Coast Guard, which has the primary authority for vessel traffic regulation, to determine the need for additional measures to ensure protection of Sanctuary resources and qualities. In addition, NOAA will work with the U.S. Army Corps of Engineers (COE) and the EPA regarding vessel traffic

activities resulting from the transport of dredged material through the Sanctuary for disposal outside the Sanctuary. These consultations will aim to determine which resources are most at risk, which vessel traffic practices are most threatening, and which regulations or restrictions would be most appropriate to alleviate such risk. NOAA agrees that an improved vessel traffic monitoring and communication system along the coast is desirable. OPA 90 requires the Secretary of Transportation to complete a comprehensive study on the impact of installation, expansion, or improvement of vessel traffic servicing systems. NOAA will work with the State of Washington's OMS, the U.S. Coast Guard, and appropriate public agencies during the development of these monitoring studies to determine an appropriate system for the Sanctuary and the need for any additional site-specific protective measures. Vessel traffic monitoring and research and coordination on this subject have been incorporated into the Sanctuary management plan.

Comment: Curtail traffic during poor weather conditions.

Response: NOAA will work with the state, U.S. Coast Guard, and appropriate public agencies to determine the need for further vessel traffic regulations to specifically address vessel traffic during adverse weather conditions. During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the area of the Juan de Fuca Region CVTMS, the Cooperative Vessel Traffic Management Center may issue directions to control and supervise traffic. They may also specify times when vessels may enter, move within or through, or depart from ports, harbors, or other waters of the CVTMS Zone. Further, the U.S. Coast Guard's Navigation Rules, International and Inland, speak specifically to the conduct of vessels while at sea. Rule 6 of the International and Inland Steering and Sailing Rules states that "Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions."

Comment: Prohibit engine powered water craft of any type.

Response: A fundamental objective of the sanctuary program is "to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities" (16 U.S.C. 1431(b)(5)). NOAA will consider the threats from all types of vessels--power driven, sailing, or paddle propelled--as a continuing analysis of vessel traffic within the sanctuary boundaries.

Comment: Manage the off-loading or exchange of cargo or oil.

Response: No offloading or exchange of oil occurs within the boundary of the Sanctuary. This activity generally occurs in ports which are located outside of the Sanctuary boundary. Further, this type of activity is addressed by both OPA 90 and programs being established by the recently created Washington State OMS.

Comment: Prohibit shipment of reclaimed spent nuclear fuel from foreign reactors through the Sanctuary.

Response: As previously noted, NOAA has recommended to the U.S. Coast Guard that

an IMO approved ATBA be established within the Sanctuary boundary. This would require vessels transporting hazardous materials to remain at least 25 nautical miles offshore while in the vicinity of Sanctuary waters or until making their approach to the Strait of Juan de Fuca using the established CVTMS traffic separation scheme. NOAA will also work with the State of Washington's OMS and both the U.S. and Canadian Coast Guards to be informed of, and alerted to, in a timely and regular manner, all hazardous cargo carriers transiting near Sanctuary waters. Further, through participation in regular meetings of the Washington State Regional Marine Safety Committees and discussions with the U. S. Coast Guard, NOAA will ensure that contingency plans adequately address such transport issues.

Comment: Prohibit commercial vessel anchorages within the Sanctuary, particularly off Makah Bay, except in emergencies.

Response: The use of the Makah Bay anchorage by vessels waiting either for an available pilot at Port Angeles or instructions from their home office, has been examined. Currently, its use as a temporary anchorage has been agreed upon by both the U.S. and Canadian Coast Guards. This is viewed as a more favorable alternative than having such vessels continuously underway within, and off the entrances to, the Strait. Vessels at anchor are subject to MARPOL, U.S. Federal law, and Sanctuary regulations regarding discharges. The use of this anchorage is monitored by Tofino Vessel Traffic Service which can also educate such vessels regarding the Sanctuary and its regulations.

Comment: Clarify NOAA's authority to regulate vessel traffic within State of Washington waters.

Response: Section 303 of the NMSA gives NOAA the authority to promulgate regulations to implement the designation, including regulations necessary to achieve resource protection.

Comment: The State and Federal government have appropriated \$75 million to expand and enhance maritime activity at Grays Harbor through waterway dredging and port terminal development programs. If vessel traffic is restricted, one branch of the government would be defeating the purpose of other parts of the government.

Response: NOAA has studied vessel traffic along the Washington coast. The result of the analysis was the recommendation for the previously mentioned ATBA. This proposal, if adopted, would add approximately 17 nautical miles on a transit from Grays Harbor to the entrance of the Straits of Juan de Fuca and approximately 21 nautical miles on a transit from the entrance of the Straits to Grays Harbor. In comparison to the costs of cleanup, legal fees, liability, fines, loss of cargo, and vessel and environmental damages, the proposals to establish the ATBA seem reasonable.

Comment: Double-hulled proposals are not economically sensible in the foreseeable future.

Response: Congress has mandated (OPA 90) national double hull requirements for tank vessels.

Management Plan Review Public Scoping Comments Related to Oil Spills (2009)

Prevention

Note: There were a large number of comments requesting Sanctuary support of the Rescue Tug. The State of Washington passed legislation in March that provides long-term support for the Rescue Tug. Because of this, comments related to the Rescue Tug are not included here.

- In addition to banning cruise ship discharges in the Management Plan the Sanctuary needs to rededicate itself to informing the public about the natural wealth that lies off the coast, enhance our region's ability to prevent and respond to oil spills and conduct research that helps to inform fisheries management rather than including fishing within the scope of regulations as you told the public when the Sanctuary was first designated.
- The Sanctuary should advocate for minimizing the risk from a catastrophic oil spill while supporting safe, efficient and environmentally sound marine transportation. The Sanctuary should work with the Makah Office of Marine Affairs to better understand how federal and state policy, rulemakings and planning processes may impact our Treaty Area and the Sanctuary.
- Support the Makah Office of Marine Affairs by working with the Coast Guard to move the high volume port line from Port Angeles, Washington to Cape Flattery.
- Oil spill prevention and response, and partnerships to further these measures, should remain a priority for the sanctuary.
- If a complete ban is not adopted, OCA calls for bonding of sufficient funding from any energy producer to pay for a "worst case" scenario involving a spill, accident, or other incident that has an adverse impact on the OCNMS ecosystem. The calculus for bonding shall include all costs for necessary and appropriate restoration and remediation of habitat.
- The Council is concerned about the possibility of oil spills impacting the Sanctuary. Large spills pose a huge threat. As the number of transits along the coast increase, and as the capacity of ships to hold bunker and oil cargo increases, so does this threat. An oil spill in or near the Sanctuary could leave a devastating and long-term scar on this very place we cherish so greatly. As the Sanctuary works to update and expand its Management Plan, it is imperative to focus on oil spill prevention and response issues.
- The International Tug of Opportunity System (ITOS) is in place and working. At any given time, more than 100 tugs are located along the coast, in the Strait of Juan de Fuca, around the San Juan Islands and throughout Puget Sound. It is imperative that the OCNMS supports this system and educates stakeholders about its effectiveness in protecting the outer coast as well as Puget Sound.
- Additional protections for vessels carrying "clingage plus." The Council could consider working with the oil industry to better define what should be considered

“carrying cargo” verses carrying mere “oil clingage,” such that some vessels currently transiting within the sanctuary because they are not fully loaded with oil cargo could (voluntarily perhaps) be treated as being “in cargo status” and consequently transiting outside the sanctuary.

- [T]he management plan should include the Sanctuary’s current management focus on spill and dumping preventative measures, including relocating ship traffic lanes offshore, tracking ships, enhancing spill response assets, reducing waste discharge from ships, and water quality monitoring (OCNMS 2008 Condition Report at 4).
- The sanctuary should work with other partners in the federal government to help prevent oil spills. Reevaluate memorandums of understanding for prevention and response to spills.
- Request NOAA and Coast Guard place an Aid to Navigation on Duntze Rock to assure continued safe waterborne commerce.
- Duntze Rock should be marked with a racon and instrumented for meteorological data and acoustic data.
- Work with Ecology, industry, the Coast Guard, and other stakeholders to review industry's coastal shipping practices.
- The OCNMS should continue to support the Coast Guard’s mission and authority to screen, deny entry, require operational measures including tug escort if necessary and/or require higher risk vessels to submit to inspections before arriving at port or upon arrival.
- Despite the rancor concerning the threat of large commercial vessels in our waters, the majority of actual risk and spill incidents tend to be smaller vessels, with fishing vessels being the most frequent offenders. . . Greater attention should be paid by administrators to developing safety and awareness educational programs for those who operate fishing boats and small craft in the OCNMS region.
- Improve marine vessel safety beyond Neah Bay tug.
- ATBA
 - We must continue to make spill prevention a priority to minimize the risk of a major incident. The OCNMS should continue to support voluntary compliance that results in ships and oil barges that transit along the coast of Washington staying beyond the ATBA. The desired outcome is compliance and that is being achieved.
 - Point-source pollution (oil spills) should remain a priority. Continued vigilance (monitoring and compliance of the Area to be Avoided) is important. Pushing other regulatory agencies toward stronger prevention measures.
 - Continue the ATBA research

- NOAA has monitoring resources that could be leveraged for all the Sanctuaries as they share some common concerns about boat traffic and use. . . This cooperation comes by design as part of the Management Plan. Monitoring both Day and Night needs to be factored in as part of the management plan.
- Mandatory ATBA status. To further strengthen the precautionary measure of keeping large, oil-laden vessels away from the pristine resources within the Sanctuary, the Sanctuary could consider supporting the work toward making it mandatory that these vessels avoid entering into the Area to Be Avoided.
- Require that all vessels containing potentially hazardous materials (including tugs and unladen barges) respect the Area to Be Avoided.
- We would welcome the OCNMS staff and administrators spending more time and effort on quantifying actual oil spills and incidents that have occurred in or close to the Area To Be Avoided (ATBA) and Sanctuary. A recent request for information on this subject was responded to with a woefully inadequate inventory and assessment of incidents and risks. The list provided had numerous inaccuracies, miss-assigned risk, unclear attributions, and references to incidents that were not close to the Sanctuary. Including reporting information on marine incidents that describes fully the sea state, weather variables, location, closest vessels (particularly those tugboats who are monitored through the International Tug of Opportunity System), and other factors, would give responders a better sense of what, if any, imminent danger is likely and how best to respond. Often high-risk incidents may involve more than one vessel needing assistance at the same time and effective triage demands more consistent and detailed reporting to assess the reality of how best to respond. Therefore, the OCNMS management plan should include timely, consistent, relevant, and detailed reporting of incidents for better planning and response measures.
- Continue to monitor vessel adherence to the voluntary Area-To-Be-Avoided and provide regular updates and recommendations for enhanced compliance to appropriate authorities.
- The sanctuary should encourage the state and Coast Guard to proceed with their study of coastal towing (losing tows, infringing on the ATBA and interactions with nuclear submarines and the recommended routing in the Strait of Juan de Fuca).
- Towed cargos (barge and tug traffic) and small boat traffic/use should be better characterized, tracked, and assessed for risks. Work with the Coast Guard to understand who is out there, and risks posed by different users.
- Area to be Avoided (ATBA) has provided buffer zone where response time is increased – sanctuary should continue to maintain its ATBA program.

- Non-laden tugs with barges could pose threat to sanctuary. ATBA program should address these vessels also.
- Need continued monitoring of Area to Be Avoided to determine violations and gather data.
- Insure that all vessels containing hazardous materials are respecting the areas to be avoided.

Preparedness

- Surfrider also supports increased preparedness for contingencies like oil spills in the coastal environment.
- In addition to the numerous safeguards, the layered safety net including the monitoring of deep draft ocean-going vessels, other vessel types and operations should be evaluated by OCNMS for spill histories and operations of concern to OCNMS stakeholders.
- Advance marine vessel safety, underwater noise control, and oil spill preparedness.
- Exercises/Drills
 - The Sanctuary needs to work with the Coast Guard, Washington Department of Ecology, oil spill response contractors and coastal tribes to conduct regular oil spill drills and exercises in the Sanctuary including the tug and to assure that the gear stockpiled along the coast is appropriate for the operating conditions and can be called out in a timely fashion.
 - Require a schedule of emergency drills and exercises for oil spills in the new Plan. This was one of the most important original goals of the previous Sanctuary Management Plan, but there has yet to be a successful emergency oil spill drill conducted in the Sanctuary.
 - The Sanctuary should coordinate with the Coast Guard, Ecology, Navy and the spill response community to schedule and participate in regular spill response exercises and drills within the Sanctuary.
 - Coordinate with the Coast Guard, Department of Ecology and Makah Office of Marine Affairs to set up an oil spill response exercise and drill schedule for 2009-2014.
 - Organize and participate in drills to test preparedness.
 - Support conducting oil spill drills along the outer coast, ensuring coordination and involvement with local stakeholders.
 - The original scoping meetings for the sanctuary's Draft Environmental Impact Statement in 1991 were well-attended (by over 500 people) who have not been kept in touch with over the 14 years since designation (1994), and who called for improved capabilities to protect the resources from oil spills having occurred in the winter of '88 and summer of '91 with Exxon in '89 in between. To this date, there has yet to be a

successful no-notice equipment deployment oil spill drill in the sanctuary despite specific identification in the current management plan to do so. The Condition Report's identification of the fact that there has been no major spills in the sanctuary since designation fails to acknowledge the 41 times the Neah Bay tug has been called out to respond to ships in distress since 1991 and the fact that funding for the tug ends this year.

- Push for Spill of National Significance exercise. Request annual worst-case scenario oil spill response drill off the Washington Coast.
- The sanctuary should collaborate with the working parties in understanding the implications and effects of oil dispersants.
- Having response equipment available up and down the sanctuary and conduct response drills.
- One of the 4 goals in the original designation document was to do no-notice drills for oil spill prevention. There has not been a successful no-notice drill in the past 14 years. There should be at least one done annually. The Makah have been leaders in oil spill prevention. There should be better partnership between the sanctuary and the Makah to inform rulemaking (under OPA 90) and to advocate oil spill prevention locally. This would help fulfill goals from the original designation document.
- Dispersants
 - The Sanctuary should formally outline its policy on dispersant use, outline procedures for emergency data collection and provide natural resource damage assessment guidelines. We understand the Sanctuary's oil spill contingency plan exists in draft form, and this document could serve as a blueprint for improvements to the Sanctuary's emergency response procedures. If these policies do not exist, a process for achieving them as a part of the goal of mitigating a catastrophic oil spill release should be addressed through the MPR process.
 - [We] urge the OCNMS management to consider plans for the use of dispersants in case of a large spill. Dispersants can be one additional response tool when other measures fail. Consideration should also be given to developing formalized agreements for "Harbors or Places of Refuge" for distressed vessels outside vicinity of the OCNMS.
 - Support development of the dispersant use matrix to establish a comprehensive baseline of biological data.
- Coordinate
 - Coordinating with sister agencies. The Sanctuary could consider coordinating with the Olympic National Park regarding access for response efforts.
 - Coordinate contingency plans with relevant agencies, including the

National Park Service.

- Coordinate with the Oil Spill Advisory Council, implement recommendations from the Council when relevant to the Sanctuary and share research and information pertaining to preventing, preparing and responding to spills.
- Spill protection response programs need to be coordinated. We are in good shape but we cannot take it for granted; we need to keep ourselves ready for when it happens.
- The sanctuary should research facts to support an intergovernmental policy agreement for quicker oil spill response times and increased capacity. The sanctuary should work with the tribes, and other state and federal agencies. Consider participating in the Regional Response Team. The sanctuary should be a strong voice for the needs for these response mechanisms. And that the threat comes from more than just the oil carriers but should include all commercial shipping carriers.
- Response Equipment
 - Support the Makah Office of Marine Affairs as it works to ensure that the Department of Ecology regulations making Neah Bay a primary staging area are met by response contractors.
 - Ensure that response equipment is ready and tested in multiple locations up and down the outer coast. Appropriate local response equipment.
 - The sanctuary should call for the Navy to mitigate their current and proposed expansion of operations in the Quinalt range through the stationing of spill response and salvage equipment along the coast.
 - The Sanctuary could take steps to assure that appropriate local response equipment is pre-staged in locations that, considering deployment and arrival times, would be useful in cleaning up an oil spill within the first 48 hours after an oil spill. This evaluation would also include a review of whether locally staged equipment is capable of doing spill response in open ocean conditions.
 - Research the need for additional oil spill response equipment caches for local stakeholders to enhance rapid protection of sensitive resources and early response capability.
 - Limited scope of GRPs. This issue addresses the fact that there are too few GRPs and these are pretty much limited to exclusion at river mouths. Also note that almost none of these have been tested. The Sanctuary could consider revisiting the lack of GRPs providing protection to sensitive areas and what is to be used as a strategy for protecting environmentally-sensitive areas (which are many) in place of GRPs.
 - Faster or more readily available spill response equipment (cleanup)
 - Develop a functional communications system between offshore,

nearshore, and shore-based locations. The Olympic coast creates very challenging communications conditions, including cell phone service blackout on most of the shoreline and near-coast. In order to coordinate activities, it is imperative that a functional communications system be developed, tested, and deployed prior to the occurrence of an oil spill.

- Training
 - Support emergency response planning by providing sanctuary staff with basic Incident Command System training and ensure active participation in drills and exercises.
 - The sanctuary should conduct HAZWOPER (Hazardous Waste and Emergency Response) training for its staff and Coastal Observation and Seabird Survey Team (COASST) volunteers.
 - Assist in coordinating response training for Makah resource managers and their staff.
 - The sanctuary should support continuous training for members in communities adjacent to the sanctuary for response to catastrophic events, for example oil spills and tsunamis.
- Better Data
 - Coordinate within NOAA to begin updating the Environmental Sensitivity Index maps for the outer coast.
 - Update ESIs (Environmental Sensitivity Index) for coast shoreline
 - Weather data. The Sanctuary could consider utilizing existing weather data to determine how frequently the deployment of response equipment can take place and (for on-water recovery, GRP deployments, in situ burning, and dispersant use) whether the available equipment is adequate for conditions. The Sanctuary could utilize NOAA buoy data to support an analysis of whether relevant spill responders are prepared for a spill that could threaten the Sanctuary.
 - NOAA should also focus on how to best protect the Marine Sanctuary and its biological populations from oil spills and other potential stresses. NOAA should maintain close liaison with existing hazardous spill response entities (Puget Sound vessel traffic service (USCG)), Tofino traffic control center (Canada), Spill management contractors- such as MSRC, and Washington State Department of Ecology). NOAA should monitor the evolution of critical planning documents: The Washington State Maritime Cooperative Oil Spill Contingency Plan and the Washington Department of Ecology Outer Coast Geographical Response Plan (especially Chapter 4). These plans undergo constant revision, and directly affect the Marine Sanctuary.
 - The sanctuary should set up a monitoring program to help with oil spill prevention that would monitor larval stages of rockfish and other

groundfish species. To date, there is mainly risk assessment info on near shore species but no or little monitoring to assess damage to groundfish species, migratory species, recruitment, etc. Monitoring should be seasonal or even monthly.

Response

- Preventing and aggressively responding to point-source pollution (oil spills) within the Sanctuary should remain a priority. Sanctuary staff should be a catalyst to ensure appropriate and timely action is taken by other responsible regulatory agencies.
- Integration of cultural information with oil spill response activities to prevent damage by spill response workers to cultural resources.
- Improved Documentation of Oil Spills and Incidents: Continuous improvement is dependent on good data and monitoring. Data needs to be accurate and should include detailed information about existing spill prevention regimes to better inform continuous improvement efforts. Additionally, descriptions of responses to incidents should be detailed and accurate in order to better focus on areas for prevention and response improvements. Oil spill data should include detailed information about what types, sources and quantities of oil have spilled in specific incidents as well as spills that occur in areas adjacent to the sanctuary. PMSA has collected this information from agencies and is prepared to assist with the documentation in order to have the best information possible about oil spill incidents.
- NOAA needs to invest in technology that would enable the Sanctuary to efficiently assess the seasonal occurrence of marine organisms in the water column for the development of a dispersant use matrix.
- Establishing a larval fish assessment monitoring program is also a top priority, as it will provide much needed insight into year-round water column vulnerabilities and can inform an oil spill dispersant decision matrix.
- The sanctuary should identify certain areas along the coast that are key for larval dispersal for a prioritized oil spill response to reduce impacts to critical habitats. Primarily identifying critical intertidal habitats.
- Request the appropriate funding for a larger, cutting edge research vessel capable of performing initial on-water spill assessment and monitoring.
- Install real time surface current detection equipment for the outer coast and western Strait of Juan de Fuca.
- Enabling and conducting proper oil spill trajectory modeling. Unfortunately, this modeling is severely hindered or not possible for major regions of the coast because of a lack of surface-current data. While the OCNMS seasonally deploys several mooring buoys from April to October to profile surface currents, these buoys are not deployed from November through March, and therefore adequate data on surface currents for trajectory analysis are not available for these areas. Note that November through March is the most critical time for adequate

modeling as it is a period of strong and frequent storms, substantially increasing the threat of an oil spill. Without adequate trajectory modeling, oil spill response can be severely impacted. The Sanctuary should develop plans to deploy current monitoring buoys throughout the year so that adequate oil-spill trajectory modeling can be done.

Restoration

- The Sanctuary should focus on improving its capacity to perform natural resource damage assessments by working within NOAA to update the outer coast Environmental Sensitivity Index.
- Outline policies on dispersant use and initial natural resource damage assessment actions.
- Develop memorandums of understanding with oil spill response trustees to assist in natural resource damage assessments by developing ephemeral data collection plans, training Sanctuary staff, and making sanctuary resources available.
- The sanctuary should do more research on baseline levels of water column plankton larval fish and forage fish species. This data is needed for oil spill response and natural resource damage assessment.
- To develop Memorandums of Understanding with oil spill response trustees to make available sanctuary resources (boats, volunteers, etc) to assist with natural resource damage assessment.
- Natural Resource Damage Assessment (NRDA) near shore species characterization.

Appendix 1 –Spill Response Exercises in OCNMS

Summary of requirement under original Management Plan:

Conduct an emergency response exercise for an oil spill in the sanctuary boundary

- Required as “one of the first management actions.”
- Test the adequacy of existing plans.
- Test the availability and effectiveness of available equipment.
- Provide an opportunity for emergency response agencies to work with the sanctuary.
- Define roles and responsibilities for sanctuary staff.

Table 1. Summary of Spill Response Exercise in OCNMS

Host/Title	Date	Spill Location	Organizers	Notes
<u>Table top drill with no equipment deployment</u>				
U.S. Coast Guard – N-PREP (National Preparedness for Response Exercise Program)	23-26 Apr 1996	Strait of Juan de Fuca, near Port Angeles	USCG	A
Washington State Outer-Coast Logistics Project Review	20-22 Oct 2003	Outer Washington Coast	USCG, WDOE, petroleum companies and response providers	B
N-PREP	17-19 Sep 2003	Ocean Shores, WA	Sause Bros., USCG	C
<u>Table top drill with limited equipment deployment</u>				
Washington State Maritime Cooperative – Field & Command Center Oil Spill Exercise	16 Nov 1995	Puget Sound	WSMC, USCG, WDOE, Office of Marine Safety	D
<u>Drill with equipment deployment</u>				
WDOE/NRC	21May and 13July 2001	Two drills, in sanctuary	Equipment deployment near J buoy; Navigation problems in May. Failed skimmer hose connection in July. NRC certification revoked by WDOE.	

CANUSPAC	3-6 May 2004	Strait of Juan de Fuca, Race Rocks to west	Canadian CG, USCG. Operations in Victoria and Port Angeles	E
CANUSPAC	27 October 2005	Swiftshure Bank, Canada	Planned for 5 vessels w/ equipment deployment, repeater placement on Makah Reservation, GRP trial deployments, IC posts in Neah Bay and Ucluelet. Cancelled because of Gulf of Mexico Hurricane Katrina.	
CANUSPAC	10 May 2006	Off Cape Flattery, in sanctuary	USCG (Scott Knutson) coordinated. MSRC's Park Responder (boom and skimmer deployed), USCG Henry Blake (fitted with VOSS equipment, deployed), National Response Corporation's Cape Flattery (boom and skimmer) and Canadian Burrard Cleaner No. 9 (with stern ramp skimmer)	
SMART Training	18-19 July 2006	Off LaPush, WA	US Coast Guard Pacific Strike Team and District 13, Washington Dept. of Ecology; observed by Makah, OCNMS, US Navy	H
NPREP	13-15 May 2008	Ocean Shores	Worst case scenario table top drill. SeaRiver Shipping sponsored. Large attendance.	
CANUSPAC	3-5 June 2008	Neah Bay	Waatch River GRP deployed. On-water equipment deployments cancelled due to rough sea conditions exceeding response equipment capability. Cell phone and radio communications not effective on outer coast.	

Notes:

- A. Simulated spill of regional significance involving federal, state, and local resources. Planned drill with focus on Unified Command organization in Port Angeles, field command post establishment, Joint Information Center establishment, and action plan development. Response strategies were simulated. NOAA participants: Sharon Christopherson (NOAA HAZMAT), George Galasso (OCNMS), Bob Steelquist (OCNMS)
- B. Logistics workshop focused on communications challenges, agency staff

networking, familiarization with Geographic Response Plans, and difficulties of responding on the outer coast.

- C. Large industry-sponsored table top drill with scenario located in OCNMS. The drill simulated a collision between a laden petroleum barge and a bulk carrier, 25 NM west of Moclips, resulting in a spill of 7,000 – 8,000 barrels of heavy fuel oil. Drill included response to secure source of spill, establish a command post and IC, and create an Incident Action Plan. Carol Bernthal worked in the IC and George Galasso served in the EU. The responsible party incident commander was Dick Lauer of Sause Brothers.
- D. Simulated, massive oil spill after a crude oil tanker accident. Unannounced time of incident on planned drill date. Unified/incident command system implemented. Initial 8-10 hours of response activity tracked. Emphasis on ICS, communications testing, action and salvage plan development. A tug boat was present to simulate the damaged and leaking tanker; response vessels and skimmers deployed but not booming. OCNMS participants: George Galasso (Assistant Manager), Todd Jacobs (Superintendent)
- E. Simulated tanker spill at Race Rocks, BC, with oil drifting toward Cape Flattery. Command centers established in Canada and US, with equipment deployment drills in the Strait. USA response corporations (Clean Sound Cooperative, MSRC, NRC) were involved with equipment deployments. NOAA participants: Ruth Yender (NOAA/ORR), Liam Antrim, Mary Sue Brancato, George Galasso, Ed Bowlby (OCNMS) at Port Angeles Command Center.
- F. Fluorometers used to measure in-water concentrations of fluorescent dye. Operations off US Coast Guard vessel and OCNMS' RV *Tatoosh*.

CANUSPAC Drill Sites:

2000 – Boundary Pass, BC
2001 – Blaine, WA
2002 – Tsawassan, BC
2003 – None
2004 – Victoria, BC
2005 – Swiftshure Bank – cancelled
2006 – Makah Bay, WA
2008 – Neah Bay, WA